

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA)
)
) Case No. 5:93CR30025
)
)
v.) **OPINION**
)
MAURICE EDWARD JACKSON,) By: James P. Jones
) United States District Judge
Defendant.)

Maurice Edward Jackson, Pro Se Defendant.

The defendant, a federal inmate proceeding pro se, has filed a motion seeking to amend his long-closed Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West Supp. 2012). For the reasons stated, I must deny the defendant's motion, and construe and dismiss it as a successive § 2255 motion.¹

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court

¹ Jackson styles his submission as "MOTION TO AMEND JUDGEMENT PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 15(c)." (ECF No. 215). Jackson asserts that in 1994, the court improperly imposed an enhanced sentence in his case based on a prior conviction that does not qualify as a crime of violence as required to support enhancement. On this ground, Jackson asserts that he is now entitled to be resentenced. Jackson cites no authority indicating that Rule 15(c) or any other provision authorizes the court to amend a § 2255 motion that is no longer pending, and I find no such authority.

records indicate that Jackson previously filed a § 2255 motion concerning this same conviction and sentence. *Jackson v. United States*, No. 7:05CV00781 (W.D. Va. Jan. 3, 2006). Jackson also filed an earlier motion raising his current claims regarding his career offender sentence, which I construed and dismissed as a successive § 2255 motion. *United States v. Jackson*, Nos. 5:93CR30025, 5:12CV80434 (W.D. Va. April 24, 2012). Because Jackson offers no indication that he has obtained certification from the court of appeals to file a successive § 2255 motion, I must dismiss Jackson's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: November 30, 2012

/s/ James P. Jones
United States District Judge